

Albanese Government does deal to split contentious Closing Loopholes Bill to rush key amendments through Senate before Christmas

Last week the Albanese Government did a deal with crossbench Senators David Pocock and Jacqui Lambie to split the Closing Loopholes Bill (CL Bill), to enable it to rush a number of contentious amendments through the Senate, without proper scrutiny, on 7 December 2023.

As members will recall, VACC strongly opposed to the CL Bill, principally on the basis that it sets businesses up to fail. It does this by proposing changes that will make it more complex and uncertain for employers to comply with the law – whilst at the same time, threatening employers with new extreme penalties if they get it wrong. VACC, through the Motor Trades Association of Australia (MTAA), lodged a detailed submission on these issues to the Inquiry which can be accessed [here](#). Frustratingly, whilst the Senate Committee will not issue its Report until 1 February 2024, a number of contentious changes – including a number that were never part of the CL Bill – have now passed federal parliament.

VACC is therefore both concerned and disappointed by the deal that was done last week. In addition to the non-contentious elements of the CL Bill that were originally proposed to be split, the amendments that passed also included:

- 'Wage Theft' criminalisation of underpayments, now extended to superannuation
- Union nominated workplace delegate rights (for employees)
- 'Same Job, Same Pay' Labour Hire arrangements, including a raft of additional changes
- A completely new provision enabling union officials to enter site on OHS grounds without holding a federal right of entry permit

From an automotive industry perspective, VACC believes that the changes already go too far. VACC, through the MTAA, will therefore continue to lobby the Senate crossbench to reject the following remaining aspects of the original CL Bill that will be subject to further debate early next year:

- Casual Employment changes
- Increased civil penalties for underpayments, including a new 'serious contravention' definition
- Expanded union right of entry powers in relation to alleged underpayment contraventions

In doing so, VACC will continue to emphasise the serious consequences these unjustified changes will likely have on automotive employers and employees – including the lack of any genuine regard for the disproportionate impact they will have on the small businesses that make up 97% of the industry. VACC hopes that this will be of particular benefit to those members of the Senate crossbench who claim to represent the best interests of small business, despite voting with the Albanese Government to rush the amendments through.

Members seeking further information are encouraged to contact the Chamber's Workplace Relations team on 03 9829 1123 or ir@vacc.com.au